

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1-13 are currently pending and under consideration.

II. REJECTION OF CLAIMS 1-12 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER TAGER ET AL. (USP 2004/0208608)

Relative to independent claim 1, the Office Action admits that Tager does not disclose the "optical add/drop multiplexing step of performing an optical add/drop **multiplexing for each of wavelength components of the wavelength multiplexed optical signal** for which the dispersion compensation has been performed at the first dispersion compensation step" (as emphasized in the Office Action, see bottom of Page 3 therein). However, it is asserted that performing an optical add/drop multiplexing for each of wavelength components of the wavelength multiplexed optical signal is "an extremely common practice in the art" and therefore "[at] the time the invention was made, it would have been obvious to one of ordinary skill in the art to perform such." The noticed fact is not considered to be common knowledge or well-known in the art having such a notorious character or being capable of instant and unquestionable demonstration. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute"). Additionally, there is no evidence supporting the assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge"). It appears that the rejection is based, at least in part, on personal knowledge. 37 C.F.R. § 1.104(d)(2) requires such an assertion to be supported with an affidavit when called for by the Applicants. Thus, Applicants call for support for the assertion with an affidavit.

Further, the Office Action admits that Tager does not disclose "said additional compensation amount is a predetermined constant times a total dispersion amount occurred in the divisional repeating intervals on the terminal apparatus side for transmission." However in a lengthy chain of comparison between FIG. 4 of Tager and FIG. 3 of this application, in the end it is admitted that "the dispersion map of Fig. 4 of Tager is informative but not comprehensive enough to provide all of the exact details and parameters for designing and implementing an actual embodiment of the optical transmission system of Fig. 4 of Tager"(see the bottom of

Page 4 of the Office Action). In other words, the Office Action admits that the prior art is not enabling relative to the above feature of claim 1. Therefore, the rejection is not proper under 37 CFR 1.104(b) and (c).

Additionally, claim 1 further recites, "the ratio of the additional compensation amount at the second dispersion compensation step to the sum of the dispersion compensation amounts at the first and second dispersion compensation steps being set so as to gradually vary together with the transmission distance from said terminal apparatus for transmission at which said repeating apparatus is disposed on said light transmission line." The Office Action erroneously alleges that the ratio "can be visually noticed by the dispersion map of Applicant's Fig. 20, which is similar to the dispersion map of Tager's Fig. 4." It is improper to reject the claims based on the Applicants' disclosure. Applicants respectfully submit that Fig. 4 of Tager does not render obvious the recited feature.

Thus, claim 1 and claims 2-6 depending from claim 1 are patentable over Tager at least because Tager fails to anticipate "an optical add/drop multiplexing step of **performing an optical add/drop multiplexing for each of wavelength components of the wavelength multiplexed optical signal** for which the dispersion compensation has been performed at the first dispersion compensation step," and "a second dispersion compensation step of performing a dispersion compensation with an additional compensation amount [...], **said additional compensation amount is a predetermined constant times a total dispersion amount occurred in the divisional repeating intervals on the terminal apparatus side for transmission**" (emphasis ours).

Claim 7 and claims 8-12 depending from claim 7, patentably distinguish over Tager at least because claim 7 recites "an optical add/drop multiplexing section performing an optical add/drop multiplexing process for each of wavelength components of the wavelength multiplexed optical signal" and "a second dispersion compensation section performing a dispersion compensation with an additional compensation amount [...], said additional compensation amount is a predetermined constant times a total dispersion amount occurred in the divisional repeating intervals on the terminal apparatus side for transmission."

Independent claim 13 patentably distinguishes over Tager at least by reciting "performing an optical add/drop multiplexing for each of wavelength components of the wavelength multiplexed optical signal for which the dispersion compensation has been performed at the first dispersion compensation" and "performing a second dispersion compensation using a dispersion compensation having an additional compensation amount [...] wherein said additional

compensation amount is a predetermined constant times a total dispersion amount occurred in the divisional repeating intervals on the terminal apparatus side for transmission."

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

Aug 17, 2007

By:

L. Todor

Luminita A. Todor

Registration No. 57,639

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501